

YEAS—15.

Crane,	Page,
Carter,	Seale,
Glasscock,	Simkins,
Garwood,	Sims,
Harrison,	Tyler,
Ingram,	Townsend,
McKinney,	Whatley,
Maetze,	

NAYS—11.

Clemens,	Kimbrough,
Cranford,	Lubbock,
Frank,	Potter,
Finch,	Stephens,
Johnson,	Weisiger,
Kearby,	

TENTH DAY.

SENATE CHAMBER,
AUSTIN, Jan. 23, 1891.

Senate met pursuant to adjournment.

Roll called.

Quorum present.

The following Senators answering to names:

PRESENT.

Atlee,	Johnson,	Pope,
Clemens,	Kearby,	Simkins,
Crane,	Kimbrough,	Stephens,
Carter,	Lubbock,	Sims,
Cranford,	McKinney,	Tyler,
Frank,	Maetze,	Whatley,
Finch,	Potter,	Weisiger,
Glasscock,	Page,	

ABSENT.

Barney,	Harrison,	Seale,
Clark,	Ingram,	Townsend,
Garwood,	Mott,	

Prayer by the chaplain, Dr. Smoot.

On motion of Senator Kearby the reading of the Journal was dispensed with.

Senator Finch made the following report:

COMMITTEE ROOM,
Austin, Jan. 22, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Your committee on Public Printing, in response to a resolution of the Senate inquiring into the delay in printing Senate bills, and also as to whether there is a contract for printing the same, beg leave to report:

That we have made careful investigation and find that the contracting printer, Mr. Hutchings, has printed

all bills with reasonable dispatch after they had been placed in his hands; and further find that he has a contract with the State Printing board for printing all Senate bills and we advise that there be no change made in the same.

All of which is respectfully submitted.

FINCH,

Chairman of Committee on Public Printing.

On motion of Senator Kearby the report was adopted and ordered spread on the Journal.

Senator Tyler made the following report:

COMMITTEE ROOM,
Austin, Jan. 22, 1891.

Hon. George C. Pendleton, President of the Senate:

Your Judiciary committee No. 2, to whom was referred

Senate bill No. 74, entitled "An act to amend article 558, title 7, chapter 4, of the Code of Criminal Procedure," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the following amendment:

Amend by adding subdivisions 4 and 5 at the end of the bill, to-wit:

4. "That the witness is not absent by the procurement or consent of the party applying therefor."

5. "That the application is not made for delay."

All of which is respectfully submitted.

TYLER,

Chairman.

Senator Tyler made the following report:

COMMITTEE ROOM,
Austin, Jan. 22, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Your Judiciary committee No. 2, to whom was referred

Senate bill No. 62 entitled "An act to amend article 459, chapter 3, title 14 of the penal code of the State of Texas,"

Have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TYLER,

Chairman.

Senator Tyler made the following report:

COMMITTEE ROOM,
Austin, Jan. 22, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Your Judiciary committee No. 2, to whom was referred

Senate bill No. 68, entitled "An act to amend articles 237 and 238, title 5, chapter 2, of the code of criminal procedure so as to authorize magistrates to direct warrants of arrest to be executed anywhere in the State, and by any peace officer in the State,"

Have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TYLER,
Chairman.

Senator Kimbrough made the following report:

COMMITTEE ROOM,
Austin, Jan. 22, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Roads and Bridges to whom was referred Senate Bill No. 5, providing for the election of a county road commissioner in counties where a tax has been levied under the amendment to the constitution, have had the same under consideration and beg leave to report that section 2 be so amended where it reads "six hundred" as to hereafter read "four hundred" and as thus amended that the same do pass.

Respectfully submitted,

KIMBROUGH,
Chairman.

Senator Kimbrough made the following report:

COMMITTEE ROOM,
Austin, Jan. 22, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Roads and Bridges, to whom was referred Senate bill No. 121, providing for the amending of the Revised Civil Code in relation to roads and bridges, beg leave to report that they have had the same under careful consideration, and would respectfully recommend that the provision providing for the pay of Commissioners in article 4390 a be stricken out and the following substituted: "Provided that no Commissioner shall receive pay for more than thirty days, and that the provisions of this act shall not apply in counties

in which a county road commissioner or supervisor may be elected or appointed."

As thus amended they respectfully recommend that the same do pass.

Respectfully submitted.

KIMBROUGH,
Chairman.

Senator Tyler made the following report:

COMMITTEE ROOM,
Austin, Jan. 22, 1891.

Hon. George C. Pendleton, President of the Senate:

Your Judiciary Committee No. 2 to whom was referred

Senate bill No. 83 entitled "An act to prohibit any person who may hereafter be divorced, from marrying any other person for twelve months from the date of the final judgment, and providing a penalty for the violation of the provisions of this act"

Have had the same under consideration and instruct me to report the same back to the Senate with the recommendation that it do pass with the following amendment:

Amend by striking out section 2 of the bill and change the numbering of the remaining sections to correspond with this amendment.

All of which is respectfully submitted.

TYLER,
Chairman.

Senator Tyler made the following report:

COMMITTEE ROOM,
Austin, Jan 22, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Your Judiciary committee No. 2, to whom was referred

Senate bill No. 77, entitled "An act to amend title 53, chapter 3 of the revised civil statutes, by adding thereto article 2971a,"

Have had the same under consideration and instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TYLER,
Chairman.

Senator Clemens made the following report:

COMMITTEE ROOM,
Austin, Jan. 22, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Your committee on Finance, to whom was referred

Senate bill No. 11, "An act making

appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the state government for the year ending February 28, 1891, and for previous years, being for payment of claims registered in the comptroller's office in accordance with law; and for outstanding claims, not registered, and other deficiencies."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendment: By adding to the first section,

For publishing constitution amendments, \$20,000.

Fees of justices of the peace, constables and other peace officers in examining trials, \$3,000.

All of which is respectfully submitted.

CLEMENS,
Chairman.

On motion of Senator McKinney Senator Clark was excused on account of sickness.

BILLS AND RESOLUTIONS.

By Senator Glasscock:

A bill to be entitled "An act to authorize the transfer of the Confederate Home at Austin from private to State management and establish said institution and provide for its support.

Referred to Committee on State Affairs.

By Senator Glasscock:

A bill to be entitled "An act to amend article 730, title 8, chapter 7, of the Code of Criminal Procedure.

Referred to Judiciary Committee No. 2.

On motion of Senator Kimbrough, Senator Harrison was excused on account of sickness.

Senator Stephens requested that Senate bill No. 49 be endorsed to show that it was read first, second and third times, and it was so ordered.

Senator Carter offered the following resolution, which was adopted:

Resolved, by the Senate of Texas, That the comptroller of public accounts send to the Senate an itemized statement of the amount of money expended by the State of Texas in amending or attempting to amend our present constitution, including the expenditure in the submission of amendments adopted at our last general election.

By Senator Kearby:

A bill entitled "An act to amend article 746 and 747, chapter 11, title 17, of the Penal Code."

Referred to Judiciary committee No. 2.

On motion of Senator Kimbrough the Secretary of the Senate was excused for to-morrow.

ORDER OF THE DAY.

Senate bill No. 15:

Read first time with the report of the committee.

Senator Sims offered the following amendment:

Amend by inserting after the words, "filing been," "given," on line 15, the words, "by written notice stuck up at three public places in the county proposed to be organized or reorganized, and

Adopted.

Senator Tyler offered the following amendment:

Amend section 2 by adding thereto the following:

Provided that the provisions of this article shall not apply to any county now in the course of organization or in which an election has been ordered but has not yet been held.

Adopted.

Senator Frank offered the following amendment:

Amend by inserting after the word "votes" in line 4, page 1 "and bona fide citizens of such county."

Senator Stephens supported Senator Frank's amendment.

The amendment was adopted.

Senator Glasscock offered the following amendment:

Amend section 1 by inserting after the caption and between it and section 1 the words, "be it enacted by the Legislature of the State of Texas that article 672 be so amended as to hereafter read as follows:

Adopted.

Senator Tyler offered the following amendment.

Amend by striking out the words "and that this act go into effect and be in force from and after its passage."

Senator Stephens opposed the amendment.

Senator Tyler spoke in favor of his amendment.

Senator Stephens thought counties are sometimes organized in the interest of syndicates and referred to Hartley county.

Senator Carter thought the amendment a good one and should be adopted.

Yielded to questions from Senators Simkins and Stephens, continuing, thought the whole bill should be adopted.

Senator Sims thought that the larger towns were trying to keep down organization of counties and speaks in favor of the amendment.

Senator Stephens spoke again in opposition to the amendment. Thought it wrong to allow counties to change their county seats. Gave notice that he will offer an amendment.

Senator Carter thought it out of order to offer amendment now, and favored striking out sections 2 and 3.

Senator Sims asked if the amendment offered by Senator Simkins was under discussion. The President informed him that it was not.

Senator Tyler spoke in favor of the resolution, and read a telegram from ex-Senator Temple Houston, and letters from Ben Lawson, surveyor of Hartley county.

Senator Johnson spoke in favor of the amendment, and in favor of striking out section 3.

Senator Simkins opposed the amendment and would amend section 3.

Senator Atlee moved to postpone further consideration of the bill and make it special order for Monday after morning call.

Motion lost.

Senator Page moved the previous question, which was ordered, and the amendment was adopted by the following vote:

Ayes 16, nays 9.

YEAS—14.

Atlee,	Garwood,	Pope,
Carter,	Johnson,	Sims,
Clemens,	Lubbock,	Townsend,
Cranford,	Maetze,	Tyler,
Frank,	McKinney,	Weisiger,
		Whatley.

NAYS—9.

Crane,	Kearby,	Potter,
Finch,	Kimbrough,	Simkins,
Glasscock,	Page,	Stephens.

ABSENT—6.

Burney,	Harrison,	Mott,
Clark,	Ingram,	Seale.

Senator Glasscock offered the following amendment:

Amend section 3 by striking out all of said section from and including line 15 to the word "all" in line 24.

Senator Stephens opposed the amendment, and it was

Lost.

Senator Simkins offered the following amendment:

Amend in section 3, line 26, after the word "election" the following amendment, "and where court houses and other public buildings have been erected at public expense before the passage of this act by said county sufficient for public purposes."

Senator Carter offered the following substitute:

Add to section 3, "Provided that this section shall not apply to the location of county seats of any county, unless such counties, or the commissioners court thereof, shall have, before the passage of this act, erected court houses and jails at the county seats so selected, which said court houses and jails shall be in all things sufficient for all the purposes of said counties."

A second reading of the substitute was called for and it was read the second time.

Senator Carter spoke to his substitute.

Senator Stephens thought that it was not a substitute and spoke against it.

Senator Johnson favored the substitute and thought that none but speculators would be hurt by it.

The substitute was lost.

Senator Tyler offered the following substitute for Senator Simkins' amendment:

"And where public buildings of the value of not less than ten thousand dollars and sufficient for all county purposes shall have been erected at the expense of the county when this act takes effect."

Senator Stephens thought this amendment worse than the first.

Senator Sim said this was a question of dollars and cents against the will of the people.

Senator Page moved the previous question, but withdrew it for the time in favor of

Senator Stephens who explained the law in regard to counties already organized.

Senator Carter asked Senator Stephens in regard to decisions of supreme court.

The substitute was lost by the following vote:

YEAS—10.

Carter,	McKinney,	Townsend,
Frank,	Pope,	Tyler,
Johnson,	Sims,	Whatley.
Lubbock,		

NAYS—15.

Atlee,	Garwood,	Page,
Clemens,	Glasscock,	Potter,
Crane,	Kearby,	Simkins,

Cra ford, Finch,	Kimbrough, Maetze, ABSENT—6.	Stephens, Weisiger.
Burney, Clark,	Harrison, Ingram,	Mott, Seale,

The question recurring to the amendment of Senator Simkins it was

Adopted.

Senator Tyler offered the following amendment, which was accepted by Senator Stephens and adopted

Amend by striking out the words, "and the immediate passage of this act" in section 4, page 3, line 2.

Senator Glasscock offered the following amendment, which was adopted:

Amend section 3 by adding after the word "least" in line 35 the following words: "By the qualified voters of such counties."

Senator Sims offered the following amendment:

Amend by adding after the word that, in line 8, page 2, the words, "they believe that."

Which was lost by the following vote:

YEAS—7.		
Carter, Johnson, McKinney,	Sims, Townsend,	Tyler, Whatley.

NAYS—17.		
Atlee, Clemens, Crane, Cranford, Finch, Frank,	Garwood, Glasscock, Kearby, Kimbrough, Lubbock, Maetze,	Page, Potter, Simkins, Stephens, Weisiger.

ABSENT—7.		
Burney, Clark, Harrison,	Ingram, Mott,	Pope, Seale.

Senator McKinney offered the following amendment:

Amend by adding after section 2, Hereafter the county seats of all counties created shall be located within five miles of the geographical center of such county.

Senator Garwood opposed the amendment.

Senator McKinney spoke to the amendment.

Senator Glasscock said there was nothing in this amendment to prevent the people from removing county seat at any future time.

Senator Tyler spoke against the amendment. It was not the citizens all over the county but the town boomers who want the law.

Senator Crane opposed the amendment.

Let the voters locate the county seat where they want it at first.

Yielded to question from Senator Glasscock, who read extracts from the present law.

The amendment was lost.

Senator Sims offered the following amendment:

Amend by inserting after the word "seeking," in line 13, page 2, section 2, in lieu of the words "organization and reorganization," the words, "to question the organization or reorganization."

Senator Page moved the previous question, which was

Carried.

The amendment was lost by the following vote. Ayes 9, nays 13.

Question being on the passage of the bill to engrossment.

The bill passed to a second reading by the following vote:

YEAS—18.		
Atlee, Carter, Clemens, Crane, Cranford, Finch,	Frank, Glasscock, Kearby, Kimbrough, Lubbock, Maetze,	McKinney, Page, Potter, Simkins, Stephens, Weisiger.

NAYS—7.		
Garwood, Johnson, Pope,	Sims, Townsend,	Tyler, Whatley.

ABSENT—6.		
Burney, Clark,	Harrison, Ingram,	Mott, Seale.

Senator Carter moved to reconsider the vote by which the bill passed to engrossment.

Senator Townsend moved to adjourn.

Lost.

Senator Stephens moved to lay the motion to reconsider on the table.

Senator Johnson asked if the bill had passed to engrossment, and if the motion to lay on the table was carried, could the bill be amended except by two-thirds vote. After considerable discussion, indulged in by Senators, the President stated that he so understood the vote just taken to be on the engrossment of the bill, and that a bill after engrossment could not be amended except by two-thirds vote.

The motion to lay on the table was lost by the following vote:

YEAS—10.		
Crane, Finch, Glasscock, Kearby,	Maetze, Page, Potter,	Simkins, Stephens, Weisiger.

NAYS—12.		
Carter, Cranford, Frank, Johnson,	Kimbrough, Lubbock, McKinney, Pope,	Sims, Townsend, Tyler, Whatley.

ABSENT—9.

At ee,	Clemens,	Ingram,
Burney,	Garwood,	Mott,
Clark,	Harrison,	Simkins.

Senator Johnson offered the following resolutions, which were

Referred to the Committee on Rules.

Resolved that Senate rule No. 22 be amended so as to read as follows:

22. When a question is under consideration by the Senate no motion shall be made except:

To fix the day to which the Senate shall adjourn.

To adjourn.

To proceed to the transaction of executive business.

The previous question.

To postpone indefinitely.

To postpone to a time certain.

To lie on the table.

To commit with instructions,

To commit without instructions.

To amend.

Which several motions shall have precedence in the order in which they are arranged.

Resolved, That Senate rule No. 29, be amended so as to read as follows:

Rule No. 29.

A bill when introduced shall be read and referred to a committee. The first reading of the bill, if a Senate bill, shall be the reading thereof, when first introduced; if a House bill, the reading thereof when transmitted to the Senate. And all House bills, when received in the Senate, shall be read and referred to a committee. No attention shall be taken upon a bill accepting, rejecting or amending the same until it has been reported upon by a committee.

That Rule No. 30 be amended so as to read as follows:

30. No motion shall be necessary to pass a bill to its second reading. The main question on the second reading of the bill, shall be, if a Senate bill, "shall this bill be engrossed and passed to a third reading?" and if it be a House bill, "shall this bill pass to a third reading?"

By consent Senator Stephens presented the following petition:

"Petition of surveyors of the State of Texas in convention assembled."

Referred to the committee on Public Lands.

Senator Carter asked that his resolution to reconsider be spread upon the journal.

Senator Carter offered the following joint resolution:

Be it resolved by the Senate of Texas, the House of Representatives concurring, that it will be inexpedient for Texas to make an appropriation providing for a State exhibit at the World's fair in 1892, in the event the force bill now pending in congress becomes a law.

Ordered to lie on the table subject to call.

By consent Senator Carter introduced the following bill:

A bill to be entitled "An act to authorize the judges of the supreme court of the State of Texas to employ each a stenographer, and providing for their compensation and qualifications."

Referred to Judiciary committee No. 1.

On motion of Senator Lubbock the Senate adjourned till tomorrow 10 a. m.

ELEVENTH DAY.

SENATE CHAMBER, TWENTY-
SECOND LEGISLATURE,
AUSTIN, Tex. Jan. 25, 1891.

Senate met pursuant to adjournment.

Roll call, the following Senators answered to their names:

PRESENT—20.

Atlee,	Kearby,	Simkins,
Carter	Kimbrough,	Sims,
Clemens,	Lubbock,	Stephens,
Craue,	Maetze,	Tyler,
Cranford,	McKinney,	Weisiger,
Finch,	Page,	Whatley.
Frank,	Potter,	

ABSENT—9.

Burney,	Harrison,	Pope,
Clark	Ingram,	Seale,
Garwood,	Johnson,	Townsend.
Glasscock,	Mott,	

On motion of Senator Kimbrough a call of the Senate was ordered.

First call.

YEAS—21.

Atlee,	Kimbrough,	Simkins,
Clemens,	Lubbock,	Sims,
Crane,	Maetze,	Stephens,
Cranford,	McKinney,	Townsend,
Finch,	Page,	Tyler,
Frank,	Potter,	Weisiger,
Kearby,	Seale,	Whatley.

ABSENT—9.

Carter,	Glasscock,	Johnson,
Clark,	Harrison,	Pope.
Garwood,	Ingram,	